

## **REMARKS**

This is intended as a full and complete response to the Office Action dated February 15, 2008, having a shortened statutory period for response set to expire on May 15, 2008. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-12, 14-30, and 32-42 are pending in the application. Claims 1-3, 5, 6, 8, 9, 11, 12, 21-23, and 25-30 remain pending following entry of this response. Claims 1-3, 5, 6, 8, 9, 11, 12, 21-23, and 25-30 have been amended. Claims 4, 7, 10, 14-20, 24, 32-42, have been cancelled. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding that any amended (or canceled) claim is not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue any pre-amended or canceled claims (and other claims) in one or more continuations and/or divisional patent applications.

### Interview Summary

On May 2, 2008, a telephonic interview was held between Jon K. Stewart attorney for Applicants and Examiner Jennifer To. The parties discussed the cited references as well as the amendments reflected with this response. During the interview, the Examiner agreed with Applicants suggestion that the proposed amendments would distinguish the references cited in the current rejection.

Claim Rejections - 35 U.S.C. § 102

Regarding Independent Claims 1, 11, 21 and 29:

Claims 1, 4, 9, 11, 14-15, 21, 24, 27, 29, and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by *Tohonen* (WO/99,57620). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

As stated above, Applicants and the Examiner agreed during a telephone interview on May 2, 2008 that the independent claims 1, 11, 21, and 29, with the amendments made in this response, are not anticipated by the *Tohonen* reference. Accordingly, Applicants submit that independent claims 1, 11, 21, and 29, as well as claims dependent claims 4, 9, 14-15, 24, 27, and 33 are allowable, and respectfully request allowance of same.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 3, 5-8, 10, 12, 16-20, 22-23, 25-26, 28, 30, and 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tohonen* in view of *Murphy et al.* (U.S. 6,185,695). Applicants respectfully traverse this rejection.

Each claim rejected as being unpatentable over *Tohonen* in view of *Murphy* depends from one of 1, 11, 21, or 29. As the Examiner has agreed that *Tohonen* does not anticipate these independent claims, *Tohonen*, Applicants submit that these dependent claims are allowable, and respectfully request allowance of same.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

/Gero G. McClellan, Reg. No. 44,227/

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Gero G. McClellan  
Registration No. 44,227  
PATTERSON & SHERIDAN, L.L.P.  
3040 Post Oak Blvd. Suite 1500  
Houston, TX 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Attorney for Applicant(s)